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TO RUEHC/SECSTATE WASHDC IMMEDIATE 9955  
INFO RUEHZH/HAITI COLLECTIVE PRIORITY  
RUEHBR/AMEMBASSY BRASILIA PRIORITY 2313  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 2042  
RUEHQU/AMCONSUL QUEBEC PRIORITY 1419  
RUEAHLC/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1870  
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 000506

SIPDIS

STATE FOR WHA/EX AND WHA/CAR  
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INL FOR KEVIN BROWN, DIANNE GRAHAM AND MEAGAN MCBRIDE  
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WHA/EX PLEASE PASS USOAS

E.O. 12958: DECL: 05/27/2019  
TAGS: PGOV HA PREL PHUM  
SUBJECT: EMBASSY OBTAINS RESUMPTION OF CRIMINAL DEPORTEE  
FLIGHTS TO HAITI

PORT AU PR 00000506 001.2 OF 003

Classified By: Janet A. Sanderson for reasons 1.4 (b) and (d).

¶1. (C) Summary: Following determined Embassy intervention, the Government of Haiti has resumed accepting criminal deportee flights from the U.S. that Department of Homeland Security (DHS) had suspended for several months. Once DHS decided to resume the flights, the GOH resisted accepting them, in part due to hopes that the USG would grant Temporary Protective Status (TPS) to Haitians illegally in the U.S. -- even though GOH officials know there is no relation between TPS and criminal deportees. Repeated Embassy arguments that bilateral agreements required Haiti to accept deportees, and that a serious back-log was developing, finally carried the day. We nevertheless expect the GOH to look for further pretexts to suspend criminal deportations. Three flights have taken place thus far. Embassy officials have observed the reception process to be professional, well-organized, and respectful of deportees' basic dignity. Embassy needs advance notification of inclusion of high-profile deportees in future deportee flights. End summary.

¶2. (SBU) For several months prior to April 2009, the Ministry of Interior resisted Embassy entreaties to agree to resume accepting criminal deportee flights, as our bilateral agreement require. They argued that the reasons for the DHS suspension -- Haiti's greater economic vulnerability caused by the 2008 hurricanes -- had not changed. The Minister himself at one point expressed the hope that the U.S. Administration would grant Haitians TPS -- despite the fact that this program has never covered criminal deportees. After protracted Embassy interventions, the Ministry of Interior finally agreed in March to resume accepting criminal deportations from the U.S., with the first flight of deportees received on April 15. The Ministry agreed to receive fifty criminal deportees per flight on a bi-weekly basis, in line with prior bilateral agreements. (Note: The Ministry claims the government does not have the capacity or temporary detention space to accept more than fifty deportees per flight. End note.)

The Welcome Party

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¶3. (C) Poloff accompanied an Immigration and Customs Enforcement (ICE) agent from Embassy Santo Domingo to observe the processing of criminal deportees at Toussaint l'Ouverture Airport on May 13. In advance of the flight's arrival, representatives from the Ministry of Interior (MOI), the Ministry of Foreign Affairs, the National Bureau of Immigration and Emigration, and the National Migration Office (ONM) joined the ICE agent on the tarmac to organize the logistics for reception.

¶4. (C) Two immaculately clean and relatively new buses to transport the deportees were pre-positioned on the tarmac, along with a small van used to transport their personal belongings and medical supplies. The deportees arrived at the airport aboard a leased aircraft with no commercial markings, escorted by several DHS/ICE agents, U.S. Marshals and a medical officer. In single-file, unescorted, and without handcuffs or shackles, each deportee exited the plane and was greeted by GOH officials. (Note: An ICE escort aboard the flight noted that for security reasons, the deportees are shackled while in flight, but unshackled immediately after landing while still on board. End note.) No Haitian law enforcement officers or media were present. GOH officials asked each person to give his/her full name, cross-checked the name on an official manifest, then directed the deportee to board one of the buses parked directly in front of the plane.

#### First Impressions

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¶5. (SBU) The May 13th flight delivered forty-eight men and two women of various ages, transferred, according to ICE, from several different U.S. prison facilities. A significant

POR AU PR 00000506 002.2 OF 003

number of the deportees had served sentences for drug-related activities, and a few deportees had served sentences for violent crimes. One U.S. Marshal told poloff there were no security incidents en route and the deportees cheered and applauded when the plane landed on the tarmac.

¶6. (SBU) Their dress ranged from fashionable American-style casual clothing, to sports-jackets and ties, to gray prison-issued sweat-suits and blue sneakers. A number of other men sported baggy pants and dreadlock hair-styles that are not common among Haitians. (Note: A May 12 media report on the resumption of criminal deportation stated "For the most part, deportees draw (negative) attention to themselves by wearing earrings, dreadlocks and oversized shirts and pants." End note.) Many looked upbeat and pleased to be out of jail and back in Haiti. One deportee, without disdain, thanked one of the federal marshals "for the ride." A few others appeared more apprehensive, obviously straining to maintain their dignity and anxious about what lay ahead. In an apparent desperate attempt get back on the plane, one deportee dramatically lifted his shirt and claimed he was shot twice more than ten years ago, but the prison system would not provide him with the surgery he claimed he still needed. (Note: There were no visible wounds or scars on the area where he claimed he had been shot. End note.)

¶7. (C) After check-in and boarding the buses, the deportees were taken to a small trailer near the airport exit for processing by immigration personnel. It is here that heavily armed Haitian National police officers appeared for the first time. They did not physically touch or escort any the deportees, even when they were excused from their seats to use the restroom facilities at the back of the Immigration trailer. After processing, they were escorted to the commissariat of the Judicial Police (DCPJ) for detention. The Ministry of Interior maintains that most are detained no longer than a week. The MOI has begun rejecting deportees who have no family members in Haiti, arguing that they do not want to take responsibility for deportees who have no

relatives who can initially take them in.

18. (C) At the behest of DHS, Embassy promised prior to these flights to continue to honor our commitment to the GOH to inform the Ministries of Justice and Interior of high-profile and/or sensitive cases in advance of their inclusion in scheduled deportee flights. In the case of the April 29 flight, however, Embassy notes that DHS/ICE failed to inform Embassy of deportation orders for ex-Senator Fourel Celestin.

(Note: Celestin, President of the Senate during the government of Jean Bertrand Aristide, was arrested by the Drug Enforcement Administration in 2004 for drug-trafficking and convicted in the U.S. in 2005 for money laundering.

Haitian press widely covered Celestin's deportation and subsequent detention at the DCPJ the day after his arrival. End note.) President Preval, in a meeting with the Ambassador on May 4, raised the Celestin case and warned that failure in the future to inform the GOH of high-profile cases as agreed could jeopardize the deportation program.

19. (C) Comment: For now at least, the GOH has resumed complying with their obligation to accept criminal deportee flights. To date, the government has received a total of 146 criminal deportees on three separate flights. Another 50 are scheduled to arrive on May 27. Based on the observation of the May 13 flight, deportees are treated with basic respect and dignity -- at least during their initial processing. The August-September 2008 hurricanes and the DHS unilateral suspension only served to rationalize Haiti's historic reluctance to take in criminal deportees. Their main argument is that they pose a criminal threat -- an assertion not supported by statistics or specific cases -- and that Haiti does not have the resources or capacity to reintegrate them. Unless the President decides to make an issue of the lack of notification of sensitive cases, we expect the GOH to

POR AU PR 00000506 003.2 OF 003

continue to press for a change in U.S. immigration policy -- including the granting of TPS -- while grudgingly continuing to accept these deportee flights. Finally, given the difficulties we have experienced in negotiating a resumption of deportee flights, we ask that there be greater interagency discussion and coordination before any flight suspensions or significant procedural modifications are made.

SANDERSON